NATIONAL COUNTERINTELLIGENCE EXECUTIVE (NCIX)
Fiscal Year 2002
Annual Freedom of Information Act (FOI/PA) Report
October 1, 2002

I. Basic Information Regarding Report
The NCIX contact person for questions concerning this report:

> Sherry E. Sabol
> Information and Privacy Coordinator
> National Counterintelligence Executive
> Room 3S28 Plaza A
> Washington, DC 20505

>> A. Electronic address for report on the World Wide Web:

>> www.ncix.gov

>> B. To obtain a paper copy of this report see www.ncix.gov or send a
>> written request to:

>> Information and Privacy Coordinator
>> National Counterintelligence Executive
>> Room 3S28 Plaza A
>> Washington, DC 20505

II. How to Make a FOIA Request

> A proper request will be one that reasonably describes the records
> sought. It is recommended that all requests comply with the
> requirements set forth in 32 C.F.R. 1800 for the National
> Counterintelligence Analysis Center (NACIC), NCIX's predecessor entity.

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>> B. Brief description of the agency's response-time ranges.

>> NCIX will make a determination on a request within twenty (20) working
>> days as required. To date, most requests have been granted within 3
>> working days.

>> C. Brief description of why some requests are not granted.

>> All requests processed in FY 2002 were granted.

III. Definitions of Terms and Acronyms Used in the Report (to be included in each report)

   A. Agency-specific acronyms or other terms.

      NCIX – National Counterintelligence Executive

   B. Basic terms, expressed in common terminology.

      1. FOIA/PA request -- Freedom of Information Act/Privacy Act request. A FOIA request is generally a request for access to records concerning a third party, an organization, or a particular topic of interest. A Privacy Act request is a request for records concerning oneself; such requests are also treated as FOIA requests. (All requests for access to records, regardless of which law is cited by the requester, are included in this report.)

      2. Initial Request -- a request to a federal agency for access to records under the Freedom of Information Act.

      3. Appeal -- a request to a federal agency asking that it review at a higher administrative level a full denial or partial denial of access to records under the Freedom of Information Act, or any other FOIA determination such as a matter pertaining to fees.

      4. Processed Request or Appeal -- a request or appeal which an agency has taken a final action on the request or the appeal in all respects.

      5. Multi-track processing -- a system in which simple requests requiring relatively minimal review are placed one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests in each track are processed on a first-in/first out basis. A requester who has an urgent need for records may request expedited processing (see below).

      6. Expedited processing -- an agency will process a FOIA request on an expedited basis when a requester has an exceptional need or urgency for the records which warrants prioritization of his or her request over other requests that were made earlier.

      7. Simple request -- a FOIA request that an agency using multi-track processing places in its fastest (nonexpedited) track based on the volume and/or simplicity of records requested.

      8. Complex request -- a FOIA request that an agency using multi-track processing places in a slower track on the volume and/or complexity of records requested.

      9. Grant -- an agency decision to disclose all records in full in response to a FOIA request.

      10. Partial grant -- an agency decision to disclose a record in part in response to a FOIA request, deleting information determined to be exempt under one or more of the FOIA's exemptions; or a decision to disclose some records in their entireties, but to withhold others in whole or in part.

11. Denial -- an agency decision not to release any part of a record or records in response to a FOIA request because all the information in the requested records is determined by the agency to be exempt under one or more of the FOIA's exemptions, or for some procedural reason (such as because no record is located in response to a FOIA request).

12. Time limits -- the time period in the Freedom of Act for an agency to respond to a FOIA request (ordinarily 20 working days from proper receipt of a "perfected" FOIA request).

13. "Perfected" request -- a FOIA request for records which adequately describes the records sought, which has been received by the FOIA office of the agency or agency component in possession of the records, and for which there is no remaining question about the payment of applicable fees.

14. Exemption 3 statute -- a separate federal statute prohibiting the disclosure of a certain type of information and authorizing its with holding under FOIA subsection (b)(3).

15. Median number -- the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.

16. Average number -- the number obtained by dividing sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.

IV. Exemption 3 Statutes

   A. No requested records were withheld in FY 2002.

V. Initial FOIA/PA Access Requests

   • This should include all access requests, whether first-party or third-party.

   • Both large and small agencies should provide information in the format presented below.

   • Agencies may additionally use chart format for breakdown by multiple agency components.

   A. Numbers of initial requests.

   • Total of the numbers in Lines 1 and 2, minus the number in Line 3, should equal the number in Line 4.

      1. Number of requests pending as of FY2001: 0

      2. Number of requests received during FY2002: 2;

      3. Number of requests processed during FY2002: 2;

      4. Number of requests pending as of end of FY2002: 0.
         (Enter this number also in Line VII.B.1.)

B. Disposition of initial requests.

    1. Number of total grants: 2

    2. Number of partial grants: 0

    3. Number of denials: 0

        a. number of times each FOIA exemption used
           (counting each exemption once per request)

              (1) Exemption 1: N/A

              (2) Exemption 2: N/A

              (3) Exemption 3: N/A

              (4) Exemption 4: N/A

              (5) Exemption 5: N/A

              (6) Exemption 6: N/A

              (7) Exemption 7(A): N/A

              (8) Exemption 7(B): N/A

              (9) Exemption 7(C): N/A

              (10) Exemption 7(D): N/A

              (11) Exemption 7(E): N/A

              (12) Exemption 7(F): N/A

              (13) Exemption 8: N/A

              (14) Exemption 9: N/A

    4. Other reasons for nondisclosure (total): N/A

      a. no records: N/A

      b. referrals: N/A

      c. request withdrawn: N/A

      d. fee-related reason: N/A

      e. records not reasonably described: N/A

      f. not a proper FOIA request for some other reason: N/A

      g. not an agency record: N/A _____

h. duplicate request: N/A

        i. other (specify): N/A

VI. Appeals of Initial Denials of FOIA/PA Requests

    • This should include all access requests, whether first-party or third-party.

    • Both large and small agencies should provide information in the presented below.

    • Agencies may additionally use chart format for breakdown by multiple agency components.

    A. Numbers of appeals.

    1. Number of appeals received during FY2002: 0

    2. Number of appeals processed during fiscal year: 0

    B. Disposition of appeals. N/A

    1. Number completely upheld: 0

    2. Number partially reversed: 0

    3. Number completely reversed: 0

        a. number of times each FOIA exemption used (counting each exemption once per appeal)

                        (1) Exemption 1: N/A

                        (2) Exemption 2: N/A

                        (3) Exemption 3: N/A

                        (4) Exemption 4: N/A

                        (5) Exemption 5: N/A

                        (6) Exemption 6: N/A

                        (7) Exemption 7(A): N/A

                        (8) Exemption 7(B): N/A

                        (9) Exemption 7(C): N/A

                        (10) Exemption 7(D): N/A

                        (11) Exemption 7(E): N/A

                        (12) Exemption 7(F): N/A

(13) Exemption 8: N/A

                              (14) Exemption 9: N/A

        4. Other reasons for nondisclosure (total): N/A

            a. no records: N/A

            b. referrals: N/A

            c. request withdrawn: N/A

            d. fee-related reason: N/A

            e. records not reasonably described: N/A

            f. not a proper FOIA request for some other reason: N/A

            g. not an agency record: N/A

            h. duplicate request: N/A

            i.   other (specify): N/A

VII. Compliance with Time Limits/Status of Pending Requests

    • If an agency believes that "average time" is a better measure of its
      performance, it should include that as well.

    • For decentralized agencies, calculating an agency-wide median be
      difficult; a reasonable estimate may be used instead.

    • Both large and small agencies should provide information in the format
      presented below.

    • Agencies may additionally use chart format for breakdown by multiple
      agency components.

    • Agencies should count days from the time at which a request is
      "perfected."

    • Agencies should separately report each track of a multi-track system,
      as well as an "expedited processing" track, and may report any other
      type of request at their option.

    • Example for calculation of median: Given 7 requests completed the
      fiscal year, aged 10, 25, 35, 65, 75, 80, and 400 days from date of
      perfection to date of completion, the total number of requests
      completed during the fiscal year would be 7 and the median age of the
      completed requests would be 65 days.

    • Example for calculation of median: If there were 6 pending cases aged
      10, 20, 30, 50, 120, and 200 days from date of perfection to date of
      completion, the total number of requests completed would be 6 and the
      median age would be 40 days (the average of the 2 middle numbers).

    A. Median processing time for requests processed during the year.

       1. Simple requests (if multiple tracks used).

         a. number of requests processed: 2

         b. median number of days to process: 3

       2. Complex requests (specify for any and all tracks used).

         a. number of requests processed: 0

         b. median number of days to process: 0

       3. Requests accorded expedited processing.

         a. number of requests processed: 0

         b. median number of days to process: 0

  B. Status of pending requests.

- Agencies using multiple tracks may provide numbers for each track, as well as totals.

    1. Number of requests pending as of end of FY2002: 0
    (Enter this number from Line V.A.4.)

    2. Median number of days that such requests were pending as of that date: N/A

VIII. Comparisons with Previous Year(s) (Optional)

- Agencies should state comparisons both in total numbers and in of change.

- Note that the agency's annual report for 1997 covers a partial calendar year.

  A. Comparison of numbers of requests received: N/A

  B. Comparison of numbers of requests processed: N/A

  C. Comparison of median numbers of days requests were pending as of end of fiscal year: N/A

  D. Other statistics significant to agency: N/A

  E. Other narrative statements describing agency efforts to improve timeliness of FOIA performance and to make records available to the public (e.g., backlog-reduction efforts; specification of average number of hours per processed request; training activities; public availability of new categories of records): N/A

IX. Costs/FOIA Staffing

- Both large and small agencies should provide information in the format presented below.

- Agencies may additionally use chart format for breakdown by multiple agency components.

A. Staffing levels.

    1. Number of full-time FOIA personnel _____0_____

    2. Number of personnel with part-time or occasional FOIA duties (in total work-years) _____.01_____

    3. Total number of personnel (in work-years) _____.01_____

B. Total costs (including staff and all resources).

    1. FOIA processing (including appeals) $3000.00_____

    2. Litigation-related activities (estimated) _____N/A___

    3. Total costs $3000.00_____

    4. Comparison with previous year(s) (including percentage of change) (optional) _____

D. Statement of additional resources needed for FOIA compliance (optional) _____N/A_____

X. Fees

- This includes charges for search, review, document duplication, and any other direct costs permitted under agency regulations.

A. Total amount of fees collected by agency for processing requests _____N/A_____

B. Percentage of total costs _____

XI. FOIA Regulations (Including Fee Schedule)

    32 C.F.R 1800